



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION**

ANISSAA MOEYA TAYLOR,  
Plaintiff,

vs.

JOSHUA R. HIMES,  
Defendant.

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CIVIL ACTION NO. 1:21-4036-MGL-PJG

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND GRANTING IN PART AND DENYING IN PART  
DEFENDANT'S MOTION TO DISMISS**

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Plaintiff Anissaa Moeya Taylor (Taylor) filed this 42 U.S.C. § 1983 civil rights action against Defendant Joshua Himes (Himes). The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Himes's motion to dismiss be granted in part and denied in part.

Specifically, the Magistrate Judge recommends Himes's motion to dismiss Taylor's Fourth Amendment false arrest or imprisonment claim be granted, but his motion as to her Fourth Amendment malicious prosecution claim be denied. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on June 13, 2022, but neither party filed any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that Himes’s motion to dismiss is **GRANTED IN PART AND DENIED IN PART**. Specifically, Himes’s motion to dismiss Taylor’s false arrest or imprisonment claim is **GRANTED**, but his motion as to her malicious prosecution claim is **DENIED**.

**IT IS SO ORDERED.**

Signed this 1st day of September, 2022, in Columbia, South Carolina.

/s/ Mary G. Lewis  
MARY G. LEWIS  
UNITED STATES DISTRICT JUDGE